

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

FACT SHEET

for draft National Pollutant Discharge Elimination System (NPDES)
Permit No. FLS000004 to discharge to waters of the United States.

Application No. FLS000004

Public Notice Date: September 1, 1994

Permit Writer: Jeannie McNeill

1. **PERMITTING AUTHORITY.** The National Pollutant Discharge Elimination System (NPDES) permitting authority is:

U.S. Environmental Protection Agency, Region IV
Water Permits and Enforcement Branch
345 Courtland Street, N.E.
Atlanta, Georgia 30365

2. **CO-APPLICANTS.** The Co-applicants are:

Sarasota County
Sarasota County Transportation Department
1301 Cattlemen Road
Sarasota, Florida 34232

City of North Port
Roads and Drainage Department
5650 North Port Boulevard
North Port, Florida 34287

City of Sarasota
Department of Public Works
1565 First Street
Sarasota, Florida 34230-1058

City of Venice

Department of Public Works
401 West Venice Avenue
Venice, Florida 34285

Town of Longboat Key*

Department of Public Works
501 Bay Isles Road
Longboat Key, Florida 34228

Florida Department of Transportation (FDOT)

District One
Post Office Box 1249
Bartow, Florida 33830-1249

* *Permit coverage includes the entire Town of Longboat Key which is located in both Sarasota and Manatee Counties.*

- 3. DESCRIPTION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** As authorized by Section 402(p) of the Act, this permit is being proposed on a system basis. This permit covers all areas within the political boundary of Sarasota County served by, or otherwise contributing to discharges from municipal separate storm sewers owned or operated by the co-applicant(s) listed above. This permit also covers the portion of the Town of Longboat Key located within Manatee County.

- 4. DISCHARGES AUTHORIZED BY THIS PERMIT.** This permit authorizes all existing or new storm water point source discharges to waters of the United States from the portions of the MS4 owned or operated by the co-applicants. This permit does authorize the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, or storm water associated with industrial activity provided such discharges are authorized under separate NPDES permits.

Section 402(p)(3)(B)(iii) of the CWA requires an effective prohibition on non-storm water discharges to a MS4. In addition, Section 402(p)(3)(A) places a different standard performance, compliance with treatment technology (BAT/BCT) and water quality requirements at CWA Section 301, on discharges of storm water associated with industrial activity. Therefore, process wastewater and industrial storm water discharges cannot be legally authorized by the MS4 permit. Such discharges require a separate NPDES permit. Only the municipal storm water will be authorized by today's permit. The municipal applicants, however, will be responsible for the quality of the combined discharge; therefore, they have a vested interest in locating uncontrolled (i.e. unpermitted) illicit and industrial storm water discharges.

- 5. RECEIVING STREAM SEGMENTS AND DISCHARGE LOCATIONS.** The discharges from the MS4 are discharged into the following United States water bodies and tributaries thereto within Sarasota County, Florida:

Hudson Bayou	Little Salt Creek	Cow Pen Slough
Whitaker Bayou	Matheny Creek	Deer Prairie Slough
Alligator Creek	North Creek	Sarasota Bay
Ainger Creek	Phillippi Creek	Little Sarasota Bay
Catfish Creek	Shakett Creek	Lemon Bay
Clower Creek	South Creek	Sona Bay
Curry Creek	Woodmere Creek	Roberts Bay
Forked Creek	Braden River	Intracoastal Waterway
Godfrey Creek	Myakka River	
Hatchett Creek	Big Slough	

The designated uses of the receiving streams include: potable water supplies; shellfish propagation or harvesting; propagation and maintenance of a healthy, well-balanced population of fish and wildlife; and recreation.

- 6. EFFECTIVE DATE.** Compliance with permit conditions is required 90 days from the effective of the permit, except as specified in schedules for compliance contained in the permit.

7. **PUBLIC NOTICE.** Upon publication of the public notice and this fact sheet, a public comment period shall begin and last for 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit, including the proposed storm water management program.

8. **EPA POINT OF CONTACT.** For additional information, contact:

Office of Public Affairs
Environmental Protection Agency
345 Courtland Street, NE
Atlanta, Georgia 30365

Attention: Ms. Lena Scott, Public Notice Coordinator
(404) 347-3004

9. **PERMIT CONDITIONS.**

- a. **Storm Water Pollution Prevention and Management Program.**

The permittees are required to implement comprehensive pollution prevention and management programs. As required by Clean Water Act Section 402(p)(3)(B), the Storm Water Management Program (SWMP) must include controls necessary to reduce the discharge of pollutants from the Municipal Separate Storm Sewer System (MS4) to the Maximum Extent Practicable (MEP). Controls implemented under the SWMP consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions as the permittees, Administrator or the State determines appropriate. The various components of the SWMP, taken as a whole (rather than individually), are expected to be sufficient to meet this standard. The permittees may be required to update the SWMP periodically to ensure conformance with this statutory requirement of Clean Water Act Section 402(p)(3)(B). The two proposed SWMPs prepared by the permittees, the SWMP submitted by the permittees in the July 23, 1993, Part 2 Application and FDOT's *Statewide SWMP for Part 2 EPA NPDES-MS4 Permit* dated June 1993 will be incorporated into the permit by reference, and are also available for review and public comment. A brief summary of the proposed SWMP is contained in Table 1 on pages 8 through 20.

(1) Pollution Prevention Measures.

One important objective within the SWMP is to reduce pollution at the source; therefore, the permit includes the following Pollution Prevention Measures:

- (i) Permittees with jurisdiction over land use will be required to consider water quality impacts of new and significant redevelopment in their comprehensive master planning process. The goal for areas of new development is to limit increases in the discharge of pollutants in storm water as a result of development. The goal for areas undergoing redevelopment is reducing the discharge of pollutants to the MEP and shall not cause or contribute to violations of State water quality standards to the receiving stream.
- (ii) Permittees will be required to ensure the implementation of a program to collect used motor vehicle fluids for recycle, reuse, or proper disposal. The program implemented must be readily available to all private residents and publicized and promoted on a regular basis.
- (iii) The permittees will be required to ensure the implementation of a program to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal.

b. Monitoring. Under the Monitoring Requirements in the permit, the permittees must:

- (1) Provide estimates of the seasonal pollutant loading and event mean concentration of a representative storm for each major outfall within the MS4 for the constituents detected in the Part 2 application sampling data.
- (2) Perform three different types of monitoring: (i) screening at municipal waste facilities and at industrial facilities with high risk runoff; (ii) dry weather screening to locate illicit connections and areas of improper disposal of non-storm water; (iii) monitoring in conjunction with the State of Florida's Surface Water Ambient Monitoring Program. The monitoring under this section shall be performed according to the agreements established between the permittees. It is the intent of EPA Region IV ("the Region") to use the monitoring information collected during the permit term to evaluate trends in reduction in pollutant loads discharged to waters of the U.S. The pollutant loading trends will also be used in evaluating the effectiveness of the permittees' Storm Water Management Programs. The Region is specifically requesting comment on the ability of the proposed monitoring program to detect trends in reduction of pollutant loadings and to evaluate the "success" of the Storm Water

Management Program's effectiveness in reducing the discharge of pollutants to the MEP and ensuring that such discharges shall not cause or contribute to violations of State water quality standards to the receiving stream.

- (i) The program to "screen" at municipal waste facilities and at industrial facilities with high risk runoff will serve to identify those facilities with poor quality storm water discharges. These identified high risk facilities may then be given priority when implementing control measures. Since this wet weather screening process is intended as a targeting and management tool for the permittee, flexibility in choosing the techniques to be used has been incorporated into the permit.
- (ii) The dry weather screening program is a continuation of the efforts started under Part 1 of the permit application to locate and eliminate illicit connections to the MS4. This program is intended to support the permit requirement to effectively prohibit non-storm water discharges to the MS4. The permittees will implement an effective screening program which is best suited to their individual systems, based on the experience gained during the permit application process.
- (iii) The monitoring to be performed in conjunction with the State of Florida's Surface Water Ambient Monitoring Program shall be the result of a cooperative effort between the permittees and the Bureau of Surface Water Management, Florida Department of Environmental Protection. The monitoring program established may extend beyond the present scope of the State of Florida's Surface Water Ambient Monitoring Program where necessary to address local areas of concern. The number of monitoring stations as well as the type of sampling performed shall be established to achieve the following: (a) assist in determining the impact of storm water discharges on receiving waters located in the geographical area covered by the permit; (b) assist in determining the effectiveness of the storm water management programs being implemented under the permit and assist in identifying and prioritizing portions of the MS4 requiring additional controls; and (c) help identify local sources and impacts of specific pollutants considered a problem in the geographic area covered by the permit. It is the intent of EPA to use the monitoring information collected to evaluate any trends in the reduction in pollutant loads discharged to waters of the U.S during the term of the permit. The pollutant loading trends will be used to evaluate the effectiveness of the permittees' Storm Water Management Program to reduce the discharge of pollutants to the MEP and shall not cause or contribute to violations of State water quality standards to the receiving stream.

c. Annual Report.

Permittees are required to contribute to the preparation of a system-wide ANNUAL REPORT which shall include: the implementation status of the storm water management programs; proposed changes to the storm water management programs; revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application; a summary of the data, including monitoring data, that is accumulated throughout the reporting year; annual expenditures and the budget for the year following each ANNUAL REPORT; a summary describing the number and nature of enforcement actions and inspections; a summary describing public education programs; and the identification of water quality improvements or degradation. Florida Department of Transportation (FDOT) shall include in the ANNUAL REPORT the status of the FDOT Statewide Storm Water Management Program elements and shall indicate whether the resulting program modifications have been implemented at the District Office. The ANNUAL REPORT must be submitted by no later than six months following the period covered by the report. The ANNUAL REPORT shall cover the 12 month period beginning on the effective date of this permit and annually thereafter. Copies of the ANNUAL REPORT will be available to the public.

NOTE: Appendix A contains excerpts from the *Storm Water Management Program* submitted by the permittees in the July 23, 1993, Part 2 Application.

Appendix B contains excerpts from FDOT's *Statewide Storm Water Management Program for Part 2 EPA NPDES-MS4 Permit Application*, dated June 1993.

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY			
PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
1. <i>Operation and Maintenance of Structural Controls</i>	Sarasota County City of Sarasota City of Venice North Port WCD FDOT	Perform inspection and maintenance of structural controls, maintain an internal log documenting activities, and perform annual assessment of effectiveness of inspection & maintenance schedule. Provide a summary of the assessment in each ANNUAL REPORT and include any changes deemed necessary to the inspection & maintenance schedule.	Pages 4A-2 to 4A-8 of Appendix A Pages 4-6 to 4-9 of Appendix B
	ALL	Develop and implement a revolving inspection program for privately-owned and maintained storm water treatment systems which discharge into the MS4.	Page 4A-8 of Appendix A Permittees shall submit a summary of the developed program to EPA for incorporation into the permit.
	ALL except for FDOT	Complete Florida Water & Pollution Control Operators Association (FW&PCOA) course or equivalent.	Pages 4A-8 and 4A-9 of Appendix A

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY

PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
2. <i>Control of Discharges from Areas of New Development and Significant Redevelopment</i>	ALL except for North Port WCD and FDOT	Adopt as local ordinances storm water quality treatment criteria similar to the State of Florida Storm Water Treatment Regulations (F.A.C. 40D-4, 40D-40, 62-25).	Page 4A-21 of Appendix A
	FDOT	Employ new FDOT Drainage Connection Permit requirements which include a "certification of water quality" to be provided by the connecting entity.	Pages 3-21 and 3-22 of Appendix B
	ALL except for FDOT	Continue on the current schedule to perform master basin studies on the major watersheds identified in Table 1 on page 4A-34 of Appendix A. Develop a course of action for each as they are completed and include a brief summary in the ANNUAL REPORT.	Pages 4A-33 to 4A-38 of Appendix A
	ALL except for North Port WCD and FDOT	Evaluate land development practices to reduce the amount of impervious surfaces in future development. Implement appropriate land development practices & incentives for the reduction of impervious surfaces.	Page 4A-50 of Appendix A Permittees shall submit a summary of revised development practices and incentives to EPA for incorporation into the permit.

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY

PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
3. <i>Operation and Maintenance of Public Streets, Roads, and Highways</i>	ALL except for North Port WCD	Implement Litter Control Program(s) for highways and streets within jurisdictional areas.	Page 4A-30 of Appendix A Pages 4-6 to 4-9 of Appendix B
	ALL except for City of North Port & North Port WCD	Implement Street Sweeping Program(s) within jurisdictional areas and properly dispose of collected material.	Pages 4A-24 to 4A-29 of Appendix A Pages 4-6 to 4-9 of Appendix B
	ALL	Perform scheduled maintenance on catch basins, grates, and other storm water structures and roadside ditches and properly dispose of accumulated sediments. Maintain an internal log documenting maintenance & inspection activities.	Pages 4A-30 to 4A-31 of Appendix A Pages 4-6 to 4-9 of Appendix B
	ALL except for North Port WCD	Develop and implement practices to minimize pollutants from road repair and from all municipal equipment & maintenance yards.	Permittees shall submit a summary of the practices developed to EPA for incorporation into the permit.
	FDOT	Coordinate the "Adopt A Highway" program for local organizations to be identified with specific highway cleanup and beautification projects.	Page 9-1 of Appendix B
		Conduct annual routine inspections of each FDOT maintenance facility to ensure that BMPs are operational. The FDOT NPDES Coordinator or his/her representative shall perform this activity.	Page 3-42 of Appendix B

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY

PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
4. <i>Ensuring Flood Control Projects Consider Water Quality Impacts</i>	ALL except for FDOT	Develop a priority list and construction schedule of the retrofit projects recommended by the master basin studies completed to date. Begin retrofit priority projects as per the construction schedule.	Pages 4A-33 to 4A-38 of Appendix A
	FDOT	Present a retrofitting program to the local Metropolitan Planning Organizations (MPO) for consideration which focuses on water quality improvements. Submit within the ANNUAL REPORT the list of projects approved by the MPO and the associated construction schedule. Begin retrofit projects as per the construction schedule.	Pages 3-45 & 3-46 of Appendix B
5. <i>Identification, Monitoring, and Control of Discharges from Municipal Waste TSD Facilities</i>	Sarasota County City of Sarasota City of North Port	Develop and implement an inspection and monitoring program to reduce pollutants in storm water discharges from municipally-operated solid waste transfer stations, maintenance and storage yards for waste transportation fleets, POTWs, and sludge application sites not covered by NPDES storm water permits.	Permittees shall submit a summary of the program developed to EPA for incorporation into the permit.

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY

PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
6. <i>Control of Pollutants Related to Application of Pesticides, Herbicides, and Fertilizers</i>	ALL	Implement public education program(s) to reduce use of pesticides, herbicides and fertilizers.	Page 4A-49 of Appendix A and Pages 4-3 to 4-5 of Appendix B Permittees shall submit a summary of the public education programs to EPA for incorporation into the permit.
	ALL except for FDOT	Evaluate and implement improved training requirements & certification procedures for employees who handle pesticides, herbicides and fertilizers.	Page 4A-49 of Appendix A Permittees shall submit a summary of the improved training & certification program developed to EPA for incorporation into the permit.
	ALL except for FDOT	Develop a program with procedures to minimize the use of pesticides, herbicides, and fertilizers and to properly store and mix these products. The program developed should also consider including components such as adopting landscape ordinances which encourage xeriscaping and the use of native Florida plants.	Page 4A-49 of Appendix A Permittees shall submit a summary of the developed procedures to EPA for incorporation into the permit.
	ALL	Employ program procedures to minimize the use of pesticides, herbicides, and fertilizers and to properly store and mix these products. Require evidence of proper certification and licensing for all applicators contracted to apply pesticides, herbicides, and fertilizers on municipal and FDOT property.	Page 4A-49 of Appendix A and Pages 4-3 to 4-5 of Appendix B

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY			
PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
7. <i>Illicit Discharges and Improper Disposal</i>			
a.) <i>Inspections ordinances and enforcement measures</i>	ALL except for North Port WCD and FDOT	Identify the non-storm water discharges which shall be allowed into the MS4. All non-storm water discharges, not specifically identified as allowable, shall be prohibited.	Permittees shall submit a list to EPA of allowable non-storm water discharges to the MS4 for incorporation into the permit.
	ALL except for North Port WCD and FDOT	Develop and implement an inspection program to enforce ordinances which prohibit illicit connections and illegal dumping into the MS4.	Pages 4B-2 to 4B-5 of Appendix A Permittees shall submit a summary of the developed inspection program to EPA for incorporation into the permit.
	FDOT	Develop and implement a program to inspect drainage connection after project completion to ensure continued compliance with drainage connection permit requirements and to ensure that no illicit or non-permitted connections have been made. In cases where another regulatory agency requires a periodic certification of compliance, the program developed may allow FDOT to accept this certification of compliance in lieu of further inspections by FDOT.	Page 3-17 of Appendix B Permittee shall submit a summary of the developed inspection program to EPA for incorporation into the permit.
b.) <i>Field Screening</i>	ALL	Conduct field screening of the MS4 for illicit discharges and improper disposal; collect inventory information on outfalls and on portions of MS4 not mapped; update database system on an ongoing basis; and maintain a log documenting the results of all field screening performed.	Pages 4B-7 to 4B-12 of Appendix A Pages 3-9 & 3-10 and 3-18 & 3-19 of Appendix B

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY

PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
7. <i>Illicit Discharges and Improper Disposal</i> (continued)			
c.) <i>Investigation of Suspected Illicits and/or Improper Disposal</i>	ALL except for FDOT	Develop and implement standard investigative procedures to identify and terminate sources of illicit connections or discharges.	Pages 4B-14 to 4B-17 of Appendix A Permittees shall submit a summary of the developed investigative procedures to EPA for incorporation into the permit.
	FDOT	Develop and implement standard investigative procedures to identify and report sources of illicit connections or discharges. The procedures developed and implemented shall include notification to FDEP and EPA of illicit connections.	Pages 3-17 to 3-19 of Appendix B Permittee shall submit a summary of the developed investigative procedures to EPA for incorporation into the permit.
d.) <i>Spill Prevention and Response</i>	ALL	Implement Sarasota County's <i>Hazardous Materials Emergency Plan</i> , FDOT's <i>Emergency Operations Procedures</i> , or a comparable plan and procedures to effectively mitigate potential pollutant discharges to surface waters.	Pages 4B-19 & 4B-20 of Appendix A and Page 3-43 of Appendix B Permittees shall submit a copy of the referenced documents to EPA for incorporation into the permit.

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY			
PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
7. <i>Illicit Discharges and Improper Disposal</i> (continued)			
e.) <i>Public Notification</i>	ALL	Develop and implement a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4. Maintain a citizen complaint log documenting all reports of illicit discharges and what actions were taken to investigate and resolve the problem.	Permittees shall submit a summary of the developed program to EPA for incorporation into the permit.
	FDOT	Establish a direct dial local telephone number at the District Office to be used specifically for the reporting of illicit connections, accidental spills, illegal dumping, or other water quality violations and action as needed.	Page 3-42 of Appendix B
f.) <i>Oils, Toxics, and Household Hazardous Waste Control</i>	ALL except for FDOT	Support and promote on a regular basis the six (6) oil recycling site locations within Sarasota County and the two (2) permanent collection centers for household hazardous waste materials; continue Amnesty Days program; and document the total annual amount of household hazardous waste materials collected.	Pages 4B-25 to 4B-27 Appendix A
		Actively promote and support a voluntary stenciling program for all storm sewer inlets which directly or indirectly discharge into surface waters.	Pages 4B-22 & 4B-23 Appendix A
	FDOT	With each FDOT Drainage Connection Permit, include information on used oil recycling, proper hazardous waste disposal, storm water regulations, and spill reporting.	Page 9-1 of Appendix B

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY			
PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
7. <i>Illicit Discharges and Improper Disposal</i> (continued)			
g.) <i>Limitation of Sanitary Sewer Seepage</i>	ALL except for North Port WCD and FDOT	Develop and implement program to limit the infiltration of sanitary seepage into the MS4, in areas where wastewater infiltration is suspected.	Pages 4B-30 & 4B-31 of Appendix A
	ALL	Advise appropriate utility owner of violation if constituents common to wastewater contamination are discovered in the MS4 during dry weather field screening.	Page 3-44 of Appendix B

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY

PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
8. Industrial and High Risk Runoff			
a.) Identification of priorities and procedures for inspections	ALL	Develop an inventory of all existing high risk facilities discharging into the MS4. This inventory shall identify the outfall and surface waterbody into which each high risk facility drains. Prioritize list.	Pages 4C-2 to 4C-7 of Appendix A and Pages 3-9, 3-10, and 3-13 to 3-16 of Appendix B
	ALL except for FDOT	Develop procedures for inspecting high risk facilities and establish an inspection schedule.	Pages 4C-2 to 4C-7 of Appendix A
	FDOT	Develop procedures for the inspection of high risk facilities which hold FDOT drainage connection permits to ensure compliance with permit requirements. In cases where another regulatory agency requires a periodic certification of compliance, the program developed may allow FDOT to accept this certification of compliance in lieu of further inspections by FDOT.	Pages 3-27 and 3-28 of Appendix B
	ALL	Begin inspections of identified high risk facilities	Permittees shall submit a summary of the identified facilities and inspection schedule to EPA for incorporation into the permit.
	ALL	Maintain a list of all industrial storm water sources discharging to MS4 & update in ANNUAL REPORTS.	Pages 4C-2 to 4C-7 of Appendix A and Pages 3-9 and 3-10 of Appendix B

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY			
PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
8. <i>Industrial and High Risk Runoff</i> (continued)			
b.) <i>Monitoring for High Risk Industries</i>	ALL	Develop and implement a monitoring (or self monitoring) program for high risk industrial facilities.	<p>Pages 4C-9 and 4C-10 Appendix A and Pages 3-27 and 3-28 of Appendix B</p> <p>Permittees shall submit a summary of the developed program to EPA for incorporation into the permit.</p>
9. <i>Construction Site Runoff</i>			
a.) <i>Site Planning & Structural and Non-structural Controls</i>	ALL except for North Port WCD and FDOT	Review erosion and sediment control requirements and modify as necessary to correlate with SWFWMD's requirements and EPA's NPDES Construction Activity General Permit.	Page 4D-5 of Appendix A
		In land development regulations, include guidelines and recommendations for reducing the amount of sediment leaving construction sites.	Page 4D-5 of Appendix A
		Track construction projects which are required to install erosion and sediment controls, documenting the installation, maintenance, and effectiveness of the controls. Integrate these records with the education program for training the site contractors.	Page 4D-11 of Appendix A

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY

PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
	FDOT	Employ new FDOT Drainage Connection Permit requirements which direct connecting entities subject to the NPDES storm water regulations to submit a copy of their NPDES Storm Water Pollution Prevention Plan to FDOT.	Page 3-35 of Appendix B
9. Construction Site Runoff (continued)			
b.) Inspection and Enforcement	ALL except for North Port WCD and FDOT	Review existing inspection policies and code enforcement programs to first identify all agencies conducting site inspections and then to determine which agency is responsible for issuing enforcement actions for which code violations.	Page 4D-15 of Appendix A
		Train inspectors (regardless of specialty) in erosion control techniques who are likely to be on-site during earth moving activities.	Page 4D-15 of Appendix A
		Implement the use of an erosion & sediment control checklist for all inspectors. Include verification that required construction sites have NPDES permit coverage and a Pollution Prevention Plan on site.	Page 4D-15 of Appendix A Permittees shall submit a copy of the developed checklist to EPA for incorporation into the permit.
	ALL except for North Port WCD	Develop and implement a program to inspect construction projects for compliance with local storm water ordinances and/or permits.	Pages 4D-14 and 4D-15 of Appendix A and Pages 3-39 and 3-40 of Appendix B

TABLE 1 - STORM WATER MANAGEMENT PROGRAM SUMMARY

PROGRAM ELEMENT	Permittees	SUMMARY OF PROGRAM	PROGRAM DETAILS
9. <i>Construction Site Runoff</i> (continued)			
c.) <i>Site Operator Training</i>	ALL except for North Port WCD and FDOT	Expand the topics covered in the annual Sarasota County Natural Sciences Division workshop for earth moving contractors. Topics to include are measures to reduce pollutants from sites, awareness of the NPDES program requirements for construction activities, and solutions to erosion and sediment problems commonly found by the inspectors during construction.	Pages 4D-17 and 4D-18 Appendix A
		Evaluate the feasibility of an erosion & sediment control competency certification program for construction site operators (contractors and developers), plan reviewers, and inspectors that work on sites that discharge to the MS4.	Pages 4D-17 and 4D-18 Appendix A
		Develop and implement a procedure to notify building permit applicants in developments which because of their size are subject to the NPDES storm water regulations of their potential responsibilities under the NPDES permitting program for construction site runoff.	Permittees shall submit a copy of the developed procedures to EPA for incorporation into the permit.
		Conduct presentations to local professional organizations which are associated with the construction industry to discuss proper construction site management for water quality.	Page 4D-18 of Appendix A

10. BASIS FOR PERMIT CONDITIONS

The conditions established by this permit are based on Section 402(p)(3)(B) of the Clean Water Act (33 U.S.C. 1251 *et seq.*, as modified by the Water Quality Act of 1987, P.L. 100-4) which requires the Agency to: a.) effectively prohibit the discharge of non-storm water to the separate storm sewer system and b.) require the permittees to reduce pollutants in discharges from the MS4 to the MEP. As authorized by 40 CFR 122.44(k), the permit will be utilizing Best Management Practices, in the form of required Pollution Prevention Measures and a comprehensive Storm Water Management Program (SWMP), as the mechanism to implement the statutory requirements. While Section 402(p)(3)(B)(iii) of the CWA clearly includes structural controls as a component of MEP, the Region encourages municipalities to first explore opportunities for pollution prevention measures, reserving more costly structural controls for higher-priority watersheds or where source controls are unfeasible or ineffective. In addition, Section 403.0891 of the Florida Statutes, and State Water Policy, Chapter 62-40, Florida Administrative Code, mandates local governments to implement comprehensive storm water management programs designed to minimize adverse effects of storm water on land and water resources. Programs are to be implemented in a manner that will improve and restore the quality of waters that do not meet State water quality standards and to maintain the water quality of those waters which meet or exceed state water quality standards.

In Section 2(b) of the Pollution Prevention Act of 1990, Congress established a national policy that "[P]ollution should be prevented or reduced at the source wherever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should employed only as a last resort and should be conducted in an environmentally safe manner." In the Pollution Prevention Act, Congress specifically tied source reduction efforts to preventing pollution on a multi-media (water, air, and land) basis.

The storm water management program requirements of this permit will be implemented through the approved SWMP, as modified by applicable compliance schedules contained in the permit. Permit compliance with regard to the storm water management program requirement will be judged by the permittees' implementation of, and compliance with, the approved SWMP which is incorporated by reference. The permittees are required to conduct annual evaluations on the effectiveness of the SWMP, and institute or propose modifications necessary to meet the overall permit standard of reducing the discharge of pollutants to the MEP. The Director, however, may also require modifications to the SWMP to address impacts on receiving water quality caused, or contributed to, by discharges from the MS4; include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

Implementation of the Pollution Prevention Measures and the SWMP are expected to result in protection of water quality standards. The permit does, however, contain a reopener clause should new information indicate the discharges from the MS4 is causing, or significantly contributing to, a violation of the State's water quality standards.

a. Storm Water Management Program. (SWMP)

As part of the application process at 40 CFR 122.26(d)(2)(iv), each applicant was required to propose a comprehensive storm water management program, which is being incorporated into the permit by reference. The SWMP addresses runoff from residential and commercial areas, industrial sites, construction sites, and includes a program to eliminate illicit discharges and improper disposal of wastes into the separate storm sewer system.

The SWMP must contain program elements for each of the items in Table 11.1. 40 CFR 122.26(d)(2)(iv) authorizes differing content of the program elements for each permittee, and different controls for different areas of the MS4 on a watershed, jurisdiction, or individual outfall basis. Due to differences in climate, age, topography, historical development patterns, legal authority, sensitivity of receiving waters, and many other factors, Region IV believes some flexibility in prioritizing the scope and timing of individual program elements must be afforded the permittees. The standard of reducing the pollutants to the MEP, is therefore applied to the SWMP as a whole, rather than to each individual program element. Region IV believes this approach is in accordance with CWA Section 402(p)(3)(B)(iii) and the intent of Congress.

Table 11.1 - Storm Water Management Program Elements

REQUIRED PROGRAM ELEMENT	REGULATORY REFERENCES
Operation and maintenance of structural controls.	40 CFR 122.26(d)(2)(iv)(A)(1)
Control of discharges from areas of new development and significant redevelopment.	40 CFR 122.26(d)(2)(iv)(A)(2)
Operation and maintenance of public streets, roads, and highways.	40 CFR 122.26(d)(2)(iv)(A)(3)
Ensuring flood control projects consider water quality impacts.	40 CFR 122.26(d)(2)(iv)(A)(4)
Identification, monitoring, and control of discharges from municipal waste treatment, storage, or disposal facilities.	40 CFR 122.26(d)(2)(iv)(A)(5)

REQUIRED PROGRAM ELEMENT	REGULATORY REFERENCES
Control of pollutants related to application of pesticides, herbicides, and fertilizers.	40 CFR 122.26(d)(2)(iv)(A)(6)
Implementation of an inspection program to enforce ordinances which prohibit illicit connections and illegal dumping into the MS4.	40 CFR 122.26(d)(2)(iv)(B)(1)
Field screening the MS4 for illicit connections and illegal dumping.	40 CFR 122.26(d)(2)(iv)(B)(2)
Implementation of standard investigative procedures to identify and terminate sources of illicit connections or discharges.	40 CFR 122.26(d)(2)(iv)(B)(3)
Prevention, containment, and response to spills that may discharge into the MS4.	40 CFR 122.26(d)(2)(iv)(B)(4)
Limit the infiltration of sanitary seepage into the MS4.	40 CFR 122.26(d)(2)(iv)(B)(7)
Identification, monitoring, and control of discharges from municipal landfills; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the MS4.	40 CFR 122.26(d)(2)(iv)(C)(1)
Control of pollutants in construction site runoff	40 CFR 122.26(d)(2)(iv)(D)(1)
Public education	40 CFR 122.26(d)(2)(iv)(A)(6) 40 CFR 122.26(d)(2)(iv)(B)(5) 40 CFR 122.26(d)(2)(iv)(B)(6)

Structural Controls: Each permittee must operate and maintain any storm water structural controls for which they are the owner or operator, in a manner so as to reduce the discharge of pollutants (including floatables).

Areas of New Development and Significant Redevelopment: Each permittee must utilize a comprehensive master planning process to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant re-development after construction is completed.

Roadways: Each permittee must operate and maintain public streets, roads, and highways under its jurisdiction in a manner so as to minimize discharge of pollutants.

Flood Control Projects: Each permittee must ensure any flood management project it undertakes assesses impacts on water quality of receiving waters. Each permittee must also evaluate the feasibility of retrofitting existing structural flood control devices to provide additional pollutant removal from storm water.

Identification, monitoring, and control of discharges from municipal waste treatment, storage, or disposal facilities: Each permittee identified in the permit must implement a program to reduce pollutants in storm water discharges from municipally-operated solid waste transfer stations, maintenance and storage yards for waste transportation fleets, POTWs and sludge application sites not covered by NPDES storm water permits. The initial phase of the program shall contain procedures to evaluate, inspect, and monitor these sites. Based upon the evaluations, inspections, and monitoring performed, priorities and procedures for implementing control measures for pollutant reduction at these sites shall be developed. Monitoring methodology used during the initial investigative period may be relaxed from standard protocol and may be based on experience gained during actual field activities. The goal of the investigative portion is to actively identify areas within these sites with poorer quality discharges during storm events, so that those areas will be given priority when implementing control measures.

Pesticide, Herbicide, and Fertilizer Application: Each permittee must implement controls to reduce the discharge of pollutants related to application of pesticides, herbicides, and fertilizers applied by the permittee's employees or contractors to public right of ways, parks, and other municipal facilities. Permittees with jurisdiction over lands not directly owned by that entity (e.g. incorporated city) must implement controls to reduce discharge of pollutants related to application and distribution of pesticides, herbicides, and fertilizers by commercial and wholesale distributors and applicators. The public education element of the SWMP must include a component aimed at private use of fertilizers, herbicides and pesticides. The Region recognizes some State statutes or regulations may limit a municipality's ability to directly control commercial applicators by means other than education or ensuring the applicator is in fact licensed by the State.

Illicit Discharges and Improper Disposal: Each permittee must implement an ongoing program to detect and remove illicit discharges and improper disposal into the storm sewer. Each permittee must effectively prohibit non-storm water discharges to the MS4, other than those authorized under a separate NPDES permit.

Unless identified by either the permittee, the Director, or the State as significant sources of pollutants to waters of the United States, the following non-storm water discharges (listed in 40 CFR 122.26(d)(2)(iv)(B)(1)) need not be prohibited from entering the MS4: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; and discharges or flows from emergency fire fighting activities. As necessary, the permittees may incorporate appropriate control measures in the SWMP to ensure these discharges are not significant

sources of pollutants to waters of the United States.

Each permittee must enforce ordinances which prohibit illicit connections and illegal dumping into the MS4. A random inspection program to detect and eliminate illicit connections shall be implemented. The table below indicates those permittees who must amend their ordinances to include the correct citation for the definition of "industrial activity," 40 CFR 122.26(b)(14) rather than 40 CFR 122.26(a)(14). Under the Part 2 application requirements, the permittees had to demonstrate that they possessed the legal authority to control the contribution of pollutants to the MS4 by storm water discharges associated with "industrial activity" and the quality of storm water discharged from sites of "industrial activity." In developing and adopting ordinances which satisfied this required legal authority, the permittees identified below inadvertently included an incorrect regulatory citation for the "industrial activity" definition.

PERMITTEE	ORDINANCE
City of Sarasota	93-3699
City of North Port	93-15, Section 180-21
City of Venice	93-14, Section 9-74

Each permittee shall conduct dry weather field screening of the MS4 for illicit discharges and improper disposal. The dry weather screening program is a continuation of the efforts started under Part 1 of the permit application to locate and eliminate illicit connections to the MS4. This program is intended to support the permit requirement to effectively prohibit non-storm water discharges to the MS4. The permittees will implement an effective screening program which is best suited to their individual systems, based on the experience gained during the permit application process.

Illicit Discharges and Improper Disposal: (continued)

Each permittee must implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction.

Each permittee must prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry and wet weather overflows from sanitary sewers into the MS4. Each permittee must limit the infiltration of seepage from sanitary sewers into the MS4.

Each permittee must prohibit the discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaves, and animal wastes into the MS4.

Each permittee must require the elimination of illicit connections as expeditiously as possible and the immediate cessation of improper disposal practices upon identification of responsible parties. Where

an expeditious elimination an illicit connection or the submittal of an NPDES application to EPA is not possible, the responsible party submit for approval a written compliance schedule for the removal of the discharge. In the interim, the permittee must require the operator of the illicit connection to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

Industrial & High Risk Runoff: Each permittee must implement a program to identify, monitor, and control pollutants in storm water discharges to the MS4 from municipal landfills; hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the MS4. The program must include: priorities and procedures for inspections and establishing and implementing control measures for such discharges; and a monitoring program for facilities identified under this section, including the collection of quantitative data on the discharges from those facilities. Data collected by the industrial facility to satisfy the monitoring requirements of an NPDES or State discharge permit may be used to satisfy this requirement. Permittees may also require the industrial facility to conduct self-monitoring to satisfy this requirement. The monitoring program shall include the collection of quantitative data on the following constituents:

- any pollutants limited in an existing NPDES permit for an identified facility;
- oil and grease;
- chemical oxygen demand (COD);
- pH;
- biochemical oxygen demand, five-day (BOD₅);
- total suspended solids (TSS);
- total phosphorous;
- total Kjeldahl nitrogen (TKN);
- nitrate plus nitrite nitrogen; and
- any information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv).

40 CFR 122.21(g)(7)(iii) and (iv) require that permittees must indicate whether they know or have reason to believe that any of the pollutants in Tables II, III, or IV of Appendix D (toxic pollutants, total phenols, and certain conventional and nonconventional pollutants) are being discharged from the outfalls at these sites.

The permittees must provide a listing in each ANNUAL REPORT which contains any additionally identified industrial facilities which discharge storm water into the MS4. The industrial storm water discharges that must be included in this inventory fall into 11 classes of industrial activities as defined in the November 1990 regulations under 40 CFR 122.26(b)(14). These 11 categories are as follows:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under the following category (xi) below;
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active and inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990, and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (wastes that is received from any of the facilities described under this subsection) including these that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under

paragraphs (i)-(vii) or (ix)-(xi) of this subsections are associated with industrial activity;

- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.
- (x) Construction activity including clearing, grading and excavation activities except: operations that results in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included with categories (ii)-(x)).

Construction Site Runoff: Each permittee must implement a program to reduce the discharge of pollutants from constructions sites, including requirements for the use and maintenance of appropriate structural and nonstructural best management practices to reduce pollutants discharged to the MS4 during the time construction is underway; procedures for site planning which incorporates considerations for potential short and long term water quality impacts and minimizes these impacts; prioritized inspection of construction sites and enforcement of control measures; appropriate education and training measures for construction site operators; and notification of appropriate building permit applicants of their potential responsibilities under the NPDES permitting program for construction site runoff.

Public Education: Each permittee must implement a public education program including a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges of non-storm water or improper disposal of materials such as industrial and commercial wastes, household hazardous wastes, leaf litter, grass clippings, and animal wastes into the MS4; a program to promote, publicize, and facilitate the proper management and disposal of used oil and household hazardous wastes; a program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors; and where applicable and feasible, the permittee should publicize those best management practices (including but not limited to the use of reformulated or redesigned products, substitution of less toxic materials, and improvements in housekeeping) used by the permittee that facilitates better use, application, and/or disposal of materials identified above. The Region believes that educating the public on the impacts of their everyday activities is a crucial component of preventing storm water pollution.

1. Pollution Prevention Measures.

Under the CWA, MS4s are subject to the MEP standard at CWA Section 402(p)(3)(B)(iii), the effective prohibition on non-storm water standard at CWA Section 402(p)(3)(B)(ii), and applicable State water quality standards for storm water found at FAC §62-40.420(1)-(4). The Region has identified four areas where pollution prevention mechanisms have been required, in addition to the Storm Water Management Programs, to address sources of pollutants entering the MS4, minimize the degradation of storm water quality as development occurs, and further implement the statutory prohibition on non-storm water discharges to the MS4.

As an urban watershed is developed, the volume of storm water and its rate of discharge increases. The distinction between new and redevelopment is made for several reasons. First, due to increases in impervious areas such as roofs, sidewalks, and roads and increases of human activities coupled with less than 100% efficiencies in any control mechanism, it is difficult to even maintain pre-development levels of pollutants, much less achieve a reduction. The Region does recognize that, depending on previous land use, reductions in certain pollutants may be possible (e.g. sediment loadings from cropland vice residential development). It is the increased flexibility of not having to work within the confines of surrounding developed property, that make more control options cost-effective for new development. In areas undergoing redevelopment, onsite controls benefiting from controls methods developed, or required, since the site was originally developed can be designed into the new project, resulting in a net reduction in pollutants.

EPA estimates that, annually, 267 million gallons of used oil, including 135 million gallons of used oil from do-it-yourself automobile oil changes, are disposed of improperly. Some of this oil is being dumped into storm sewers or onto the ground where it can contaminate storm water runoff. In order to insure that not only is the public educated on proper disposal practices, but an economical disposal/recycling alternative is provided, permittees will be required to ensure the implementation of a program to collect used motor vehicle fluids (including, at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal. The program implemented must be readily available to all private residents and publicized and promoted on at least an annual basis.

According to an EPA study, an average household generates approximately 55 to 60 grams of Household Hazardous Waste or approximately 4-5 pounds per person, per year. Household Hazardous Wastes are currently exempt from regulation as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (40 CFR 261.4(b)). Improper or careless disposal of household hazardous wastes (e.g. dumping or washing leftover paint into the storm sewers, throwing partially full containers of solvents into the trash where leaks may occur, flushing of unused pesticides into sanitary sewers, etc.) can result in not only storm water contamination,

but also contamination of the municipal solid waste stream, inhibition of wastewater treatment plants, or even contribute to air pollution. The magnitude of this problem is unknown, but it is reasonable to expect Household Hazardous Wastes are being discharged to MS4s. Public education on minimizing the amounts of household hazardous wastes generated (e.g. buying only the amount of pesticide you can use before it loses effectiveness), on reusing household wastes (e.g. blending leftover paints for use by charitable organizations), on recycling wastes (e.g. blending solvents for use as an energy source), and on proper disposal of other materials is only one part of the equation. In order to insure that not only is the public educated on proper disposal practices, but an economical and readily available alternative is provided, the permittees will be required to ensure the implementation of a program to collect household hazardous waste materials (including materials such as leftover paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal.

b. Monitoring.

As part of the application process at 40 CFR 122.26(d)(2)(iii)(C) and (D), each applicant was required to propose the following:

- (1) A schedule to provide estimates for each major outfall identified of the seasonal pollutant load and of the event mean concentration (EMC) of a representative storm for any constituent detected in any sample required in the Part 2 application sampling; and
- (2) A monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment.

As in (1) above, the permittees are to include a schedule to provide estimates, for each major outfall, of the seasonal pollutant load and EMC of a representative storm for any constituent detected in any sample required in the Part 2 application sampling. EPA, Region IV, reviewed the Part 2 application sampling data to determine which pollutants this requirement would include. The storm water regulation required monitoring for the 110 organic pollutants in Table II, the 15 other toxic pollutants (including metals, cyanide and total phenols) in Table III, and for the following pollutants: total suspended solids (TSS), total dissolved solids (TDS), COD, BOD₅, oil & grease, fecal coliform, fecal streptococcus, pH, total Kjeldahl nitrogen, nitrate plus nitrite, dissolved phosphorus, and total phosphorus.

- The overwhelming majority of 110 organic pollutants were never detected in the storm water sampling performed. Because of the low detection rate

coupled with a very low concentration, Region IV concluded that the development of seasonal pollutant loadings and event mean concentrations for each of these detected compounds would require an inordinate expense and effort to sample enough storm events to generate an EMC above the limit of detection. In lieu of this requirement, Region IV has placed in the permit a condition requiring that the permittees conduct investigations of the identified drainage basins where specific organic pollutants were detected at levels which exceeded the acute criterion values for freshwater in the *EPA Quality Criteria for Water* (also known as the "*Gold Book*") in an effort to determine the source(s) of these pollutant(s). The permittees are required to provide the result of these investigations in the Annual Report for Year Three of the permit.

- The pollutants in the Part 2 application for which the permittees had to provide an estimate of the annual pollutant load and EMC for the overall system are included in the permit. These pollutants are: BOD₅, COD, TSS, TDS, total Kjeldahl nitrogen, nitrite plus nitrate, total phosphorus, dissolved phosphorus, total recoverable cadmium, total recoverable copper, total recoverable lead, and total recoverable zinc. The permittees must develop seasonal pollutant loads and EMCs for each of these pollutants for each major outfall.
- The data for remaining pollutants in the Part 2 application was reviewed. If the pollutant had not been detected, it was not included under this requirement in the permit. If the pollutant had been detected in the Part 2 sampling data but at a level below the acute criterion values in the *EPA Quality Criteria for Water* (also known as the "*Gold Book*"), this pollutant was not included under this requirement in the permit. If the pollutant had been detected in the Part 2 sampling data and it was at a level above the acute criterion values in the *EPA Quality Criteria for Water*, this pollutant was included under this requirement in the permit, and the permittees must develop seasonal pollutant loads and EMCs for this pollutant for each major outfall. EPA finds this overall approach consistent with the methodology and rationale used in the National Urban Runoff Program (NURP).

Due to differences in the availability of existing water quality data, sensitivity of receiving waters, and other factors, Region IV believes some flexibility in the scope of the monitoring program elements in item (2) above must be afforded the permittees. Region IV believes that one important goal of the monitoring program is to show a trend, over the term of the permit, pollutants are reduced to the MEP from MS4 discharges and shall not cause or contribute to violations of State water quality standards to the receiving stream. Another goal of the monitoring program is to identify the sources and impacts of specific pollutants, so that these pollutants may be more effectively reduced or eliminated.

Pursuant to Section 403.0891 of the Florida Statutes, and State Water Policy, Chapter

62-40, Florida Administrative Code, local governments are to implement on a watershed-based approach, a comprehensive storm water management program designed to minimize adverse effects of storm water on land and water resources. Programs are to be implemented in a manner that will improve and restore the quality of waters that do not meet State water quality standards and to maintain the water quality of those waters which meet or exceed state water quality standards. State water quality standards are found at FAC 62-40.420(1)-(4), which contain facility design and performance standards.

11. Considerations under Federal Law

The discharge which is being controlled by the terms of this permit is the result of natural precipitation, and as such would continue to be discharged regardless of the federal action represented here. The terms of this permit do require that the municipality reduce to the MEP pollutants in the storm water runoff discharged from the municipal separate storm sewer system. The Region believes reduction of pollutants in the natural runoff will not result in the disturbance of any site listed or eligible for listing in the National Historic Register, nor effect any endangered species. This permit specifically does not authorize any storm water discharges which would jeopardize a listed endangered or threatened species or adversely modify a designated critical habitat; adversely effect properties listed or eligible for listing in the National Register of Historic Places; or would not be in compliance with any applicable requirements of a State's Coastal Zone Management Plan.

12. State Certification of the Draft Permit

The Region shall formally request State Certification of today's draft permit, as required by CWA Section 401 and 40 CFR 124.53. The final permit will contain any permit condition required by the State as a condition for Section 401 Certification.

FACT SHEET

APPENDIX A

Excerpts from the

STORM WATER MANAGEMENT PROGRAM

***Submitted by the Permittees in Sarasota County
within the July 23, 1993, Part 2 Application***

FACT SHEET

APPENDIX B

Excerpts from the

***Statewide STORM WATER MANAGEMENT PROGRAM
for Part 2 EPA NPDES - MS4 Permit***

***Submitted by the Florida Department of Transportation
June 1993***